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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,337	11/04/2003	Raghunath Padiyath	59000US002	5586
32692	7590	09/22/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			PATEL, ASHOK	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			2879	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/701,337	PADIAYATH ET AL	
	Examiner	Art Unit	
	Ashok Patel	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 28-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>072006</u> . | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/2006 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-5, 11-13 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (USPN 6,345,903).

Koike et al disclose applicant's claimed organic electronic device (at least Figures 2, 3, 6, 7) including at least two segments (at least two LEDs shown in Figure 6), each segment having an organic electronic light-emitting device (11) including a small molecular emitter (col. 5, lines 41-50), wherein each segment is defined by peripheral edges (left and right); wherein

each segment includes a first electrical contact (13) disposed on a first peripheral edge and a second electrical contact (14) disposed on a different (opposite) peripheral edge than the first electrical contact and the electrical contacts (19a, 19b as shown in Figure 3) of the segments, joined in electrical communication, with a conductive material (16a, 16b etc).

Koike et al disclose the device as organic (see col. 5, lines 39-67).

As to claim 3, as shown in Figure 4 and 5, Koike et al disclose the second electrical contact disposed on a peripheral edge that is substantially parallel to the first peripheral edge.

As to claim 4, as shown in Figure 4 and 5, Koike et al disclose each segment including a continuous substrate layer and the substrate layer is discontinuous between segments.

As to claim 5, Koike et al does disclose each segment including a light-emitting layer (formed by diode 15) disposed between two conductive layers (13, 14) electrically isolated from each other.

As to claim 11, as shown in Figure 4 and 5, Koike et al disclose the electrical contacts joined in parallel.

As to claims 12, 13, 18 and 21, as shown in Figure 4 and 5, Koike et al disclose the device including a plurality of

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segments joined in a row and a plurality of rows joined in a column; the device is a pixilated display.

As to claims 19 and 20, as shown in Figures 8-10 and 14, Koike et al disclose each or all segments being encapsulated.

As to claims 22 and 23, applicant is the device of claim 1 to be used for an article selected from a lamp, a display, a sign, a toy, personal protection apparel or a fixed or variable message. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed/used does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

As to claim 24, Koike et al disclose the device emitting at least a single color.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the

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time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 6-10, 14-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al, as applied above to claim 1.

As to claim 2, Koike et al do not disclose the second electrical contact disposed on a peripheral edge that is substantially perpendicular to the first peripheral edge. However, depending upon a type of design need, it would have been obvious to one of ordinary skill in the art to modify Koike et al's device to provide the contacts in either parallel or perpendicular simply by altering layout of the connectors from parallel to series. In light of this, Koike et al would have suggested to alter the device and provide the second electrical contact disposed perpendicular to the first peripheral edge for providing an alternative design.

As to claims 6-9 and 27, Koike et al do not disclose the conductive material being flexible. However, since the electrical connection could be provided in any suitable appropriate form so long as it is compatible with the design, it would have been a matter of obvious design choice to one of

ordinary skill in the art to provide the conductive material of flexible or rigid.

As to claim 10, Koike et al do not disclose the electrical contacts joined in series, as claimed by applicant. However, depending upon a type of design need, it would have been obvious to one of ordinary skill in the art to modify Koike et al's device to provide the electrical contacts in either parallel or series simply by cascading the electrical contacts in series rather than in parallel. In light of this, Koike et al would have suggested to modify the device and provide the series connection of the electrical contacts for providing an alternative design.

As to claims 14-17 and 26, applicant is claiming different dimensions of the segments, not disclose by Koike et al. However, variations of different dimensions would have been obvious modifications it has been held that where general conditions of the claim are discovered in the prior art, discovering the various modification of the dimensions involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claim 25, although Koike et al do not disclose independent adjustable segments emitting different colors, providing applicant's claimed arrangement would have been obvious to one of ordinary skill in the art simply by providing

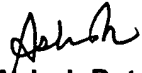
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desired different color emitting diodes and by modifying electrical connections to the diodes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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